

Serial No.: 10/718,452  
Amendment and Response to Office Action  
Reply to Office Action of February 23, 2005

Attorney Docket No.: 33997.0093

### **REMARKS**

Reconsideration of the above-identified patent application, as amended herein, is respectfully requested.

This Amendment is in response to the Office Action dated February 23, 2005. Claims 1-14 are pending in this application. Claim 10 is amended herein. Of the claims, only claim 1 is independent.

#### ***Claim Objections***

Claim 10 is amended herein to spell out the term "SDI" as "stereoscopic diagonal inverter." Removal of the objection to claim 10 is respectfully requested.

#### ***Claim Rejections - 35 USC § 102***

In the Office Action, claims 1-5, and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Minami et al. (US 4,763,968). For the reasons set forth below, it is believed that the claims are neither anticipated nor rendered unpatentable by the prior art of record.

The Office Action states that Minami et al. disclose:

"a stereomicroscope comprising an objective; a zoom system downstream of the objective; and a deflector element between the objective and the zoom system for deflecting observation beams emerging from the objective into corresponding magnification or observation channels of the zoom system; wherein the zoom system includes at least three substantially horizontally extending magnification or observation channels,"

as required by claim 1 of the present application.

Applicant respectfully disagrees with the application of Minami et al. against claim 1. Minami et al. disclose mirrors  $M_2$  and  $M_2'$  which deflect two light beams (b) emerging from the objective to polarizing semi-transmissive mirrors  $M_1$  and  $M_1'$ . See column 4, lines 5-13. The two light beams deflected by  $M_2$  and  $M_2'$  briefly travel in a horizontal direction. See Figs. 5 and 11. At  $M_1$  and  $M_1'$ , the deflected light beams are again deflected into a vertical path. Other light

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beams (a) emerging from the objective are allowed to pass through  $M_1$  and  $M_1'$  and always travel in a vertical path.

The zoom system (S, S'; 2, 2') of Minami et al. has only two channels, and the channels extend in a vertical direction. Minami et al. do not disclose deflecting at least three beams into at least three substantially horizontally extending channels.

Accordingly, it is respectfully submitted that claim 1 is not anticipated or rendered unpatentable by the prior art of record as each and every element of the claim is not disclosed in the prior art reference. As claims 2-14 depend from claim 1, it is believed that they too are not anticipated or rendered unpatentable by the prior art of record. It is respectfully submitted that the rejection under 35 U.S.C. §102(b) thereto be withdrawn.

***Claim Rejections - 35 USC § 103***

In the Office Action, claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being obvious over Minami et al. in view of Kleinberg (US 5,052,789); claims 9 and 12 were rejected as being obvious over Minami et al. in view Takahama et al. (US 5,861,982); claim 10 was rejected as being obvious over Minami et al. in view of Takahama et al. and in further view of Straehle et al. (US 2003-0165012-A1); claim 11 was rejected as being obvious over Minami et al. in view of Takahama et al. and in further view of Simon et al. (US 6,356,088); claim 13 was rejected as being obvious over Minami et al. in view of Takahama et al. and in further view of Shioda et al. (US 6,081,371); and claim 14 was rejected as being obvious over Minami et al. in view of Takahama et al. and in further view of well known art.

For the reasons discussed above in regard to the rejections under §102(b), it is submitted that the prior art, either alone or in combination, does not render these claims obvious. Since the prior art does not disclose each and every element of claim 1, it would not have been obvious for a person skilled in the art to derive the invention from the prior art of record. As claims 2-14 depend from claim 1 it is believed that they too are not rendered unpatentable by the prior art of

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record. It is therefore respectfully submitted that the rejections under 35 U.S.C. 103(a) thereto be withdrawn.

***Conclusion***

For the reasons cited above, all of the claims presently pending in this application are believed to be allowable. Early and favorable action is respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney/agent.

It is also submitted that no fees are required. However, the Commissioner is hereby authorized to charge any fees due as a result of this Amendment to Deposit Account 08-2442 of the undersigned.

Respectfully submitted,  
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Date: May 23, 2005

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